

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FIRST REGION**

In the Matter of

NEW ENGLAND AMBULANCE SERVICE, INC.

Employer

and

INTERNATIONAL ASSOCIATION OF EMT'S &
PARAMEDICS, NAGE-SEIU, AFL-CIO

Petitioner

Case 1-RC-21548

DECISION AND DIRECTION OF ELECTION¹

The Employer, New England Ambulance Service, Inc., which has a principal place of business in Johnston, Rhode Island, is engaged in the operation of an ambulance service. The Union seeks to represent a unit of about 40 to 50 EMTs, EMT-cardiac employees, wheelchair drivers, and dispatchers employed at the Johnston, Rhode Island facility. New England Ambulance Service, Inc. has declined to enter into a stipulated election agreement. There were no issues litigated at the hearing.

Accordingly, based upon the foregoing and the stipulations of the parties at the hearing, I find that the following employees of the Employer constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

¹ Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board. In accordance with the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the Regional Director.

Upon the entire record in this proceeding, I find that: 1) the hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed; 2) the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this matter; 3) the labor organization involved claims to represent certain employees of the Employer; and 4) a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

All full-time, regular part-time, and per diem² EMTs, EMT-cardiac employees, wheelchair van drivers, and dispatchers employed by the Employer at its Johnston, Rhode Island facility, but excluding office clerical employees, managerial employees, sales employees, mechanics, maintenance employees, confidential employees, guards and supervisors³ as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Regional Director among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date, and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for purposes of collective bargaining by International Association of EMT's and Paramedics, NAGE, SEIU, AFL-CIO.

LIST OF VOTERS

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of the statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven days of the date of this Decision, two copies of an election eligibility list containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the Regional Director, who shall make the list available to all parties to the election. North

² The parties have stipulated, and I find, that the Board's standard formula for determining the regularity of employment of part-time and per diem employees shall be used, i.e., employees who regularly averaged four hours or more of work per week during the quarter preceding the eligibility date shall be included in the unit. Sister of Mercy Health Corp., 298 NLRB 483 (1990).

³ The parties have stipulated, and I find, that the following individuals are statutory supervisors who should be excluded from any unit found appropriate: Dan Torre Lerossa, Gregg Tikiryan, Charles Karboski, Robert Brown, Thomas Guilbuaite, and David Goldstein.

Macon Health Care Facility, 315 NLRB 359 (1994). In order to be timely filed, such list must be received by the Regional Office, Thomas P. O'Neill, Jr. Federal Building, Sixth Floor, 10 Causeway Street, Boston, Massachusetts, on or before October 11, 2002. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review this Decision and Direction of Election may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by October 18, 2002.

/s/ Rosemary Pye

Rosemary Pye, Regional Director
First Region
National Labor Relations Board
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Sixth Floor
Boston, MA 02222-1072

Dated at Boston, Massachusetts
this 4th day of October 2002.

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